

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

ANN REGAN,

Plaintiff,

v.

SCHINDLER ELEVATOR
CORPORATION,

Defendant.

Case No.: 1:16-CV-10576-GAO

DEFENDANT’S MOTION FOR LEAVE TO FILE REPLY BRIEF

Pursuant to Local Rule 7.1(b)(3), Schindler Elevator Corporation respectfully requests leave to file a Reply Brief, not to exceed five pages in length, in support of its Motion to Dismiss (Doc. 12) and in reply to Plaintiff’s Memorandum in Opposition (Doc. 16).

Schindler seeks to reply to Plaintiff’s many erroneous contentions, including that Schindler attempted to “thwart service” in the prior action (*id.* ¶ 4); that Plaintiff’s time to serve process on Schindler in the prior action “never expired” (¶ 6); that this Court has “already granted the Plaintiff the right to file a ‘late’ claim against Schindler” (¶ 8); that Plaintiff’s failure to serve process in the prior action was due to Schindler’s “unreasonable refusal to waive formal service” (¶ 11); that “discovery” should be allowed into whether Schindler received notice of the elevator accident within three years of its occurrence (¶ 14); that this Court previously determined that Plaintiff’s amended complaint “related back to the original complaint” (¶ 15); and that Plaintiff “diligently” sought to determine the identity of the Library’s elevator maintenance contractor (¶ 25).

If this Court permits a reply brief, Schindler requests that its brief be due ten days after this motion is granted.

Respectfully submitted,

/s/ John B. Johnson

John B. Johnson
CORRIGAN, JOHNSON & TUTOR, P.A.
225 Franklin Street
26th Floor
Boston, MA 02110
(617) 338-0075
BBO No. 252580
john.johnson412@verizon.net

/s/ H. Christopher Bartolomucci

H. Christopher Bartolomucci*
BANCROFT PLLC
500 New Jersey Avenue, NW
Seventh Floor
Washington, DC 20001
(202) 234-0090
cbartolomucci@bancroftpllc.com
*Admitted *pro hac vice*

Dated: April 27, 2016

*Counsel for Defendant
Schindler Elevator Corporation*

CERTIFICATE OF SERVICE

I, H. Christopher Bartolomucci, hereby certify that pursuant to Local Rule 5.4(C), this document has been filed through the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF). Notice was also sent to the plaintiff's attorney at his e-mail address which is mlongo@dennerlaw.com on April 27, 2016.